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PART I

# Normative Contestation in Regional Organisations

After the Cold War, regional integration was believed to be an inexorable force driving the world into regional communities with ever closer unions as the 'retreat of the state' paved the way for globalisation.[1] Growing transboundary challenges and multinational supply chains required increasing transnational governance, it was argued, which nation-states were ill-equipped to tackle on their own. The collapse of traditional notions of sovereignty was to be one inevitable outcome of addressing these challenges.

That was until integration efforts hit the immovable object of populism in 2016. While exemplified by Brexit, this case was hardly alone – the Eurozone crisis had earlier resulted in an array of candidates that toyed with the idea of leaving the European Union (EU). Globally, the USA pulled out of the Trans-Pacific Partnership (TPP) as free trade deals, once anathema only to the left, began to be targeted by the right. Nationalist movements called for curbs to immigration, and new populist governments turned away from regional commitments. Almost overnight, not only integration but multilateralism itself appeared to be in peril as nationalism or unilateralism obstructed or even reversed integration efforts. Underlying this trend was a resurgence in cleaving to sovereignty in the traditional sense – a notion that many once hoped would become obsolete, associated as it was with authoritarianism, conflict, and failures of cooperation.

Against this backdrop, the integration stragglers of Southeast Asia and Africa became hold-outs of multilateralism, contrasting with the reversals on integration in other regions. Rowing against the current, Africa redoubled its 2013 integration commitments that had marked the fiftieth anniversary of the founding of the Organisation of African Unity (OAU): from a frequently stalled process to sign a Tripartite Free

[1] Strange, *The Retreat of the State: the Diffusion of Power in the World Economy* (Cambridge: Cambridge University Press, 1996).

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Trade Agreement (TFTA) to link three sub-regional blocs, it abruptly halted the TFTA to push for an even more ambitious Continental Free Trade Area (CFTA) and pushed this out in 2018. Southeast Asia too was bucking the trend: while the USA had withdrawn from TPP, the Association of Southeast Asian Nations (ASEAN) and its regional partners continued to push ahead with these initiatives, whether through the renamed Comprehensive and Progressive Agreement for a TPP (CPTPP – the TPP without the USA) or another configuration with slightly different membership, the Regional Comprehensive Economic Partnership (RCEP – an FTA that China could join).

These two regions that had so rigidly adhered to a restrictive notion of sovereignty in the 1990s were now pushing ahead with integration efforts while the rest of the world was at a standstill or in retreat. Even with explicitly populist-nationalist governments in several key member states in both regions, they did not appear to have slowed their resolve for integration. Why is this the case?

The relative switch in positions is partly down to what went wrong in the West. For a start, proponents of liberal integration had underestimated political dynamics, and largely assumed that functional-technocratic considerations superseded other factors. Collective rationality and bureaucratisation were drivers for institutional isomorphism,[2] and other regional projects were at least copying the European model if not going as far as behavioural change,[3] and these models were constantly held up against the EU[4] as the benchmark for 'successful' integration. The end of the Cold War also sparked research on normative change, and the 'spiral' or 'cascade' model of norm dynamics[5] came to be a leading view, predicting extensive expansion and internalisation of human rights norms, another force weakening the sovereignty of states. The politics surrounding integration and human rights debates in Southeast Asia and Africa seemed anomalous

[2] DiMaggio and Powell, 'The Iron Cage Revisited: Institutional Isomorphism and Collective Rationality in Organizational Fields', *American Sociological Review* 48, no. 2 (1983).
[3] Jetschke and Murray, 'Diffusing Regional Integration: the EU and Southeast Asia', *West European Politics* 35, no. 1 (2012).
[4] Lenz, 'EU Normative Power and Regionalism: Ideational Diffusion and its Limits', *Cooperation and Conflict* 48, no. 2 (2013).
[5] Risse, Ropp, and Sikkink, eds., *The Power of Human Rights: International Norms and Domestic Change* (Cambridge: Cambridge University Press, 1999).

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and their failures to copy the European model due to an unfortunate lack of capacity (that could yet be corrected with more development assistance).

The African Union (AU) and ASEAN would be criticised for their failures to deepen liberal norms, rendering integration ineffective and piecemeal. Yet something rather different was playing out in their contestation over these debates about the locus of sovereignty. The member states had not simply been unable to implement them nor retreated into bubbles of denial. They had held intense debates about the nature and legitimacy of their regional norms as they embarked on charter-writing processes, and these contests accepted some qualifications on sovereignty while rejecting others. The debates, while fractious and remembered with misgivings by some, nevertheless relegitimised each region's processes, while bringing their resultant norms closer to their members' preferences.

At the time, there were some public disappointments as key regional initiators felt they had not obtained what they had originally pushed for. However, when the trend towards populism and anti-globalist forces surged, what was noteworthy was that both regions had already calibrated their respective paces for integration against a balance of sovereignty considerations. While questions have been raised about liberal values, the backlash against globalisation and regionalism has been far more subdued than in the EU.

This book investigates this key period of contestation in Africa and Southeast Asia with the following questions: Why were some sovereignty-limiting norms accepted while others were rejected? How did the contests play out, and what were the decisive factors to explain the outcome? Finally, what does the process of contestation tell us about the legitimacy of these outcomes and future prospects?

In examining the key question of outcomes from normative contestation, the book introduces a conceptual device from sociology, the 'norm circle' – groups committed to endorsing or enforcing a norm – to study domain-specified norm contestation (the regional organisation, or 'RO'). The model suggests that under conditions of contestation involving at least two closely matched norm circles, actors compete according to the terms of their domain, the RO. The differences involve actors' competencies in controlling the initiative, their mastery of other shared norms, and their ability to seek other opportunities of influence, termed 'metis'. Their relative success in these areas

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determines whether the norms in question are accepted, rejected, or qualified. Moreover, the future legitimacy and path dependencies are built into the contestation process: they depend on which of the above factors were critical in shaping the eventual norm, at least until new rounds of contestation play out.

Empirically, this book examines six case studies, three each from the AU and ASEAN, in which significant new norms were proposed testing member state sovereignty, after which the norms were either accepted, rejected, or qualified. Each case reviews the historical origins of the norm and the proposal, followed by analysis of how each norm circle used the factors mentioned above to seek approval for their proposals. It then assesses the relative importance of the factors, alternative explanations, and future implications for the norms in each case. In the AU, the three cases are the proposals for the 'United States of Africa', the Conference on Security, Stability, Development, and Cooperation in Africa, and the Pan-African Parliament. In ASEAN, this book examines the question of human rights in the ASEAN Charter, the attempt to formalise the 'ASEAN minus X' principle, also during the charter drafting, and the contestation over the creation of a regional human rights mechanism, which eventually became the ASEAN Intergovernmental Commission on Human Rights.

The rise of populism has challenged many preconceptions about a world order built on integration and liberalisation. The global order born after World War II had sought to bring the world closer together, and in so doing, reduce the prospect for conflict between states. Sovereignty, it was believed – particularly by early functionalists such as David Mitrany[6] – led to unilateral pursuit of national interests at the price of international security. However, the independence struggles of former colonies and then the outbreak of Cold War conflicts in Africa and Asia led to quite different understandings of sovereignty, a value that leaders in these regions felt was necessary to pursue their national aspirations. Africa and Southeast Asia both had their own share of debate between integration and sovereignty, though it looked very different from the European version. Africa was guided by a strong intellectual tradition of Pan-Africanism, which had originally emerged in the USA and Caribbean. Pan-Africanism sought unity to undo the

[6] Mitrany, 'The Functional Approach to World Organization', *International Affairs* 24, no. 3 (1948).

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damage and divisions wrought by colonialism. The shared experience of slavery and colonialism gave a strong impetus to overcome the colonial legacy and limit its continuing influence beyond formal independence.

In Southeast Asia, the unification debate was less ambitious, given more varied experiences with colonialism. However, there was still a significant push for uniting the peoples of the Malayan archipelago by a newly independent Indonesia. As in Africa, it had been partitioned by colonial imperial markers, and the nationalist sentiments of some independence leaders were built on an identity that exceeded the boundaries of their independent nation-states. Unfortunately, Indonesia's independence leader, Sukarno, did this movement no good when he attempted to accomplish it by force, leading to a period known as *Konfrontasi* ('Confrontation'), which set neighbours Singapore and Malaysia against him. When the Association of Southeast Asian Nations was born shortly after Sukarno's desposal, Southeast Asian regionalism had quite a different sort of agenda: preventing the new Indonesian leadership from attempting another such military excursion again.

In both regions, the Cold War had seen states aligned with Western or Eastern blocs afflicted by conflicts as the global superpowers waged direct or proxy wars to try to preserve their spheres of influence. While some security guarantees were needed from a superpower, there was always the tension with the superpower's ability to wield undue influence in the regimes or policies of the states under its umbrella. Abstract appeals to sovereignty and non-interference were perhaps some of the least political ways to spell out this distance.

The end of the Cold War brought sovereignty back into question. Communist states, which tended towards authoritarian rule, had collapsed and much of this was ascribed to the failures of central planning. With the ascent of neo-liberalism in the 1990s, pressure was once again asserted against sovereignty, with free markets and regional economic communities being thought to be the most effective way of enabling development and economic growth. Civil conflicts in Africa also pressed against the political notions of sovereignty such as non-interference, as insecurity in one state could destabilise or even collapse neighbouring states, as the Liberia–Sierra Leone conflicts demonstrated.

Thus, the background to these episodes of contestation over sovereignty was informed by global and regional trends, but intimately

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related to each region's priorities. The relationship between regional integration and sovereignty in the Global South has always been complex, not only on account of protectionist sentiments, but also at an ideological level on the nature of integration itself. More than merely sovereignty as a norm, the question lay in deciding where the balance of member states' agency lay in the regional environment. Ultimately, these cases show how the dynamics of the regional organisations themselves were decisive in finally positioning the locus between regional and member state agency to deal with their governance imperatives and challenges as they saw them.

This book investigates normative change in a domain that has sometimes been overlooked for its potential in observing contestation – the regional organisation (RO). Focusing on political norms, it asks: What explains the acceptance or rejection of norms challenging sovereignty in regional organisations? If the members of ROs are states, having a quality of 'sovereignty', then the coming together as a 'region' involving iterated cooperation[7] necessarily risks some of that sovereignty (when understood as freedom to act) because it constrains certain courses of action while committing to others. The establishment of binding rules for members of an RO, and a commitment to abiding by them, reduces the total range of possible actions a state may take. For example, a regional nuclear non-proliferation treaty commits a state to not developing nuclear weapons, even though this may be among its strategic options for defence. Thus, commitment to regional norms forms the basic tension within an RO for sovereign member states.

To answer the question about the acceptance or rejection of norms, I develop a contestation model at the intersection of functionalism and practice – two essential elements for the study of regional organisations and diplomacy. This model borrows a concept from sociology – the 'norm circle', defined as 'groups of people who share a commitment to endorse and enforce a particular norm'[8] – to differentiate actors and measure differences between the groups in opposition during

[7] Krapohl, ed., *Regional Integration in the Global South: External Influence on Economic Cooperation in ASEAN, Mercosur and SADC* (Cham, Switzerland: Palgrave Macmillan, 2017), 5.
[8] Elder-Vass, 'Towards a Realist Social Constructionism', *Sociologia, Problemas e Práticas*, no. 70 (2012): 11–12.

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contestation. This allows it to bring in the insights from coalition literature[9] that are rarely employed in norms and constructivist literature. Finally, a conscious analysis of 'power in practice'[10] brings insights from diplomatic studies and negotiation theories to bear on normative outcomes. Greatly unequal norm circles follow power dynamics in that the lesser side is likely to concede, but 'contestation' arises when the sides are relatively equal, for example owing to institutional rules that negate power differentials (such as veto or consensus mechanisms).

My central argument is that three processual factors of diplomatic practice play out in regional norm contestation: (1) the control of the initiative, (2) the actors' use of other existing shared norms and practices, and (3) their 'metis' or agential power to change relations – which, in the conceptual framework of norm circles, is the ability to bring actors into their preferred norm circle. These competencies form a diplomatic 'power', distinct from material conceptions of power, which has significant effects on normative outcomes. Through this model and studying contestation at a regional level, the book hopes to offer insights into comparative regionalism, institutionalisation, and theories of normative contestation.

[9] For example, Krehbiel, *Pivotal Politics: A Theory of US Lawmaking* (Chicago: University of Chicago Press, 1998); Gehlbach, *Formal Models of Domestic Politics* (Cambridge: Cambridge University Press, 2013).
[10] Adler-Nissen and Pouliot, 'Power in Practice: Negotiating the International Intervention in Libya', *European Journal of International Relations* 20, no. 4 (2014).

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